

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

James Scott, et al.

v.

Civil No. 06-cv-286-JD

First American Title
Insurance Company

O R D E R

In response to the most recent order denying, without prejudice, the parties' joint motion for preliminary approval of the proposed class action settlement, First American Title Insurance Company filed a motion for a conference with the court. The plaintiffs did not object. A telephone conference was held on September 3, 2008, to address the issues raised by First American.

During the conference, counsel for First American expressed concern that the parties had not sufficiently explained that part of their settlement agreement dealing with a cap on First American's liability under their agreement.¹ Counsel represented that despite the cap provision in the agreement, all class

¹The court addressed the provisions of the settlement agreement pertaining to the cap on First American's liability and its exceptions in the order issued on April 28, 2008. The parties did not move for reconsideration or otherwise indicate that the court's interpretation of their settlement agreement was erroneous.

members would receive at least 50% of their claims. Plaintiffs' counsel concurred in that interpretation of the agreement.

Conclusion

The parties shall clarify their agreement to conform to counsel's representations made during the telephone conference and include a copy of the amended agreement as part of the package of documents that will be submitted in support of the parties' renewed motion for preliminary class certification and approval of the settlement agreement.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

September 4, 2008

cc: Christopher D. Baucom, Esquire
Elizabeth T. Ferrick, Esquire
Wilbur A. Glahn, III, Esquire
Douglas W. King, Esquire
Charles A. Newman, Esquire
Edward K. O'Brien, Esquire